

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA


UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. CR-02-70-D
)	
EUGENE ISIAH ROBERTS,)	
)	
Defendant.)	

ORDER

Defendant, who appears *pro se*, has filed a Motion for Leave to Amend Motion to Suppress Pursuant to Fed. R. Civ. P. 15(c) and 15(e) [Doc. No. 181]. Defendant seeks to revisit issues raised by a pretrial motion to suppress evidence and statements, which was filed in December, 2002, and denied by the previously assigned judge, the Honorable Ralph G. Thompson, in January, 2003. Following Defendant's conviction by a jury and sentencing by Judge Thompson, Defendant appealed the suppression ruling, which was affirmed. *See United States v. Roberts*, 91 F. App'x 645 (10th Cir. 2004). There is currently no pending motion to be amended, assuming Fed. R. Civ. P. 15 might apply to a criminal motion. Further, although Defendant refers to 28 U.S.C. § 2255, no collateral challenge to his criminal sentence was timely brought, and no matter is currently before the Court.

IT IS THEREFORE ORDERED that Defendant's Motion [Doc. No. 181] is denied for lack of jurisdiction to grant the relief sought.

IT IS SO ORDERED this 22nd day of September 19, 2014.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE